

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

---

**DANIEL RAYMOND MCBRIDE,**

**Plaintiff-Appellant,**

**v.**

**USDC Case No. 05-C-1058**

**USCA Case No. 09-3226**

**MATTHEW FRANK, STEVEN SCHUELER,  
MICHAEL THURMER, and JOHN DOES 1-100,**

**Defendants-Appellees.**

---

**ORDER**

On September 18, 2009, the court granted the plaintiff's motion for leave to appeal in forma pauperis and ordered that he should submit a certified copy of his prison trust account statement for the six-month period immediately preceding the filing of his notice of appeal. The plaintiff has filed such a statement. A review of this information reveals that the plaintiff is required to pay an initial partial filing fee of **\$2.55**. Subsequent payments will be calculated pursuant to 28 U.S.C. § 1915(b)(2).

The plaintiff shall pay the initial partial filing fee of **\$2.55** to the Clerk of Court on or before **November 9, 2009**. Newlin v. Helman, 123 F.3d 429, 434 (7th Cir. 1997), rev'd on other grounds by, Walker v. O'Brien, 216 F.3d 626 (7th Cir. 2000) and Lee v. Clinton, 209 F.3d 1025 (7th Cir. 2000). Failure to pay the initial partial filing fee within the time specified may result in dismissal of this appeal.

**IT IS THEREFORE ORDERED** that the plaintiff shall forward to the Clerk of Court the sum of **\$2.55** as the initial partial filing fee in this appeal. The plaintiff's failure to

comply with this order may result in dismissal of this appeal. The payment shall be clearly identified by the case name and number assigned to this action.

**IT IS FURTHER ORDERED** that after the initial filing fee has been paid, the Secretary of the Wisconsin Department of Corrections or his designee shall collect from the plaintiff's prison trust account the balance of the filing fee (\$452.45) by collecting monthly payments from the plaintiff's prison trust account in an amount equal to twenty percent of the preceding month's income credited to the plaintiff's trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10.00 in accordance with 28 U.S.C. § 1915(b)(2). The payments shall be clearly identified by the case name and number assigned to this action.

**IT IS FURTHER ORDERED** that copies of this order be sent to the warden of the institution where the plaintiff is confined, and to Corey F. Finkelmeyer, Assistant Attorney General, Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin 53707-7857, and to PLRA Attorney, United States Court of Appeals for the Seventh Circuit, 219 S. Dearborn Street, Room 2722, Chicago, Illinois 60604.

Dated at Milwaukee, Wisconsin this 7 day of October, 2009.

/s \_\_\_\_\_  
LYNN ADELMAN  
District Judge